

1 THE HONORABLE BARBARA J. ROTHSTEIN
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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT SEATTLE

14 VULCAN LLC; et al.,

15 Plaintiffs,

16 v.

17 ZURICH AMERICAN INSURANCE
18 COMPANY; et al.

19 ,

20 Defendants.

21 No.: 2:21-cv-00336-BJR

22 STIPULATED MOTION AND
23 ORDER TO CONTINUE THE STAY

24 The Parties collectively submit this Stipulated Motion and [Proposed] Order to
25 continue the stay of proceedings in this action for approximately one month.

26 **1. FACTS**

27 The Court is familiar with the background facts. Briefly, on March 12, 2021, Vulcan
28 filed a Complaint for Declaratory Relief. Dkt. 1. The matter was subsequently stayed by
29 minute order. Dkt. 71. Since that time, the Plaintiffs have settled with and dismissed several
30 Defendants. Dkt. 75. The Plaintiffs have also agreed to settle with several more Defendants;
31 those settling parties are currently gathering signatures on an agreed-upon settlement
32 document. Plaintiff and the remaining defendants continue to work toward amicably
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1 concluding this litigation early in the New Year and expect it to be ready for dismissal
 2 shortly thereafter. *See* Joint Status Report (filed contemporaneously with this motion).

3 The parties wish to extend the stay of the current proceedings to allow time for all
 4 signatures to be gathered and obligations under the settlement agreement to be satisfied, and
 5 to allow for the Plaintiffs to conclude this litigation with the remaining Defendants. The
 6 parties thus request an Order continuing the stay in this case for approximately one month.

7 **2. AUTHORITY**

8 “A district court has the inherent power to stay its proceedings.” *Oregon Mut. Ins.*
 9 *Co. v. Ham & Rye, LLC*, 2010 WL 2787852 at *3 (W.D. Wash. July 14, 2010) (citing *Landis*
 10 *v. North American Co.*, 299 U.S. 248, 254 (1936)). This power to stay is “incidental to the
 11 power inherent in every court to control the disposition of the causes on its docket with
 12 economy of time and effort for itself, for counsel, and for litigants.” *Id.* A court may enter a
 13 stay if it finds “it is efficient for its own docket and the fairest course for the parties to enter a
 14 stay of an action before it, pending resolution of independent proceedings which bear upon
 15 the case.” *Leyva v. Certified Grocers of California, Ltd.*, 593 F.2d 857, 863-64 (9th Cir.
 16 1979). When considering a motion to stay, the court weighs several competing interests (the
 17 “*Landis factors*”): (1) the hardship or inequity a party may suffer if the stay is not granted;
 18 (2) the orderly course of justice measured in terms of the simplifying or complicating of
 19 issues, proof, and questions of law which could be expected to result from a stay; and (3) the
 20 possible damage that may result from the granting of the stay. *Id.* (citing *CMAX, Inc. v. Hall*,
 21 300 F.2d 265, 268 (9th Cir. 1962)).

22 The *Landis factors* weigh in favor of continuing the stay this case. First, because all
 23 Parties agree that a short continuance is appropriate, no party will suffer hardship or inequity
 24 from a stay. Second, the orderly course of justice will be furthered insofar as a case is almost
 25 ready for dismissal (and thus removal from the Court’s docket). Third, extending the stay for
 26 one month will avoid damage to any party by leaving the litigation open until obligations

1 under the settlement agreement are satisfied.

2 In light of foregoing IT IS HEREBY STIPULATED AND AGREED, by and between
 3 the Parties, that this action should be stayed consistent with the Proposed Order attached to
 4 this motion.

5 DATED: December 15, 2022

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ORDER

The Court has considered the parties' Stipulated Motion to Continue the Stay in this action, and for good cause shown,

IT IS HEREBY ORDERED that the stay in this action is continued through January 13, 2023. The parties shall submit to the Court a joint status report (or appropriate Rule 41 filings) on or before January 13, 2023.

IT IS SO ORDERED this 19th day of December 2022.

Barbara J. Rothstein

THE HONORABLE BARBRA J. ROTHSTEIN
